

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:07-cv-00238-CAB
Internal Use Only**

Parker-Hannifin Corporation et al v. Baldwin Filters, Inc. et al	Date Filed: 01/29/2007
Assigned to: Judge Christopher A. Boyko	Date Terminated: 09/23/2010
Cause: 35:145 Patent Infringement	Jury Demand: Both
	Nature of Suit: 830 Patent
	Jurisdiction: Federal Question

Plaintiff

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		Judge William H. Baughman, Jr. Plaintiff's counsel to deliver a written itemization of damages and a settlement demand to defendant's counsel by 09/28/07. By 10/05/07 defendant's counsel must deliver to plaintiff's counsel a written offer with an explanation why that offer is appropriate. Confidential mediation statements from each party are due by 10/12/07. Signed by Magistrate Judge William H. Baughman, Jr. on 9/7/07.(H,D) (Entered: 09/07/2007)
09/13/2007	<u>28</u>	Minutes of proceedings: Telephonic Status Conference held on 09/13/2007 before Magistrate Judge William H. Baughman, Jr. Mediation will proceed on 10/19/2007 under the mediation order of 09/07/2007. (Court Reporter None.) Related document(s) <u>25</u> , <u>27</u> . (G,GS) (Entered: 09/13/2007)
10/03/2007	<u>29</u>	Motion for attorney Rudolf E. Hutz to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 2660578, filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, Declaration of Rudolf E. Hutz)(Cornett, Harry) (Entered: 10/03/2007)
10/03/2007		Order [non document]granting Motion for appearance pro hac vice by attorney Rudolf E. Hutz for Parker-Hannifin Corporation and Parker Intangibles, LLC (Related Doc # <u>29</u>) on condition attorney appear in person for all conferences and register for Electronic Case Filing.Entered on behalf of Judge Christopher A. Boyko on 10/03/2007.(R,D) (Entered: 10/03/2007)
10/19/2007	<u>30</u>	Minute Order of Mediation. The case did not settle. Counsel will cooperate on, and submit for the Court's consideration, a joint motion for the setting of an early Markman hearing by December 1, 2007. The mediation has been conducted and concluded; the referral is terminated and the case is returned to Judge Boyko for further proceedings. Signed by Magistrate Judge William H. Baughman, Jr. on 10/19/07.(H,D) (Entered: 10/22/2007)
11/21/2007	<u>31</u>	Proposed Order (<i>Stipulated Scheduling Order</i>) filed by Parker-Hannifin Corporation, Parker Intangibles, LLC, Baldwin Filters, Inc., Clarcor Inc.. (Cornett, Harry) (Entered: 11/21/2007)
12/19/2007	<u>32</u>	Stipulation & Order. It is agreed and stipulated that this Scheduling Order shall govern the schedule for the remaining Discovery and proceedings in this action, except the March 14, 2008 Claim Construction Hearing. Counsel shall agree on a new date and time and inform the Court at (216) 357-7151 as soon as possible. Dispositive Motions due by 9/30/2008, Discovery due by 8/29/2008), re <u>31</u> Proposed Order filed by Parker Intangibles, LLC, Baldwin Filters, Inc., Clarcor Inc., Parker-Hannifin Corporation. Signed by Judge Christopher A. Boyko on 12/18/07. (M,M) (Entered: 12/19/2007)
12/26/2007	<u>33</u>	Motion for attorney Scott S. Evans to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 06470000000002782959, filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Affidavit of Scott S. Evans) (McKay, Hugh) (Entered: 12/26/2007)



12/26/2007	<u>34</u>	Motion for attorney Mark A. Pals to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 06470000000002782975, filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Affidavit of Mark A. Pals)(McKay, Hugh) (Entered: 12/26/2007)
12/26/2007		Order [non document]granting Motion for appearance pro hac vice by attorney Scott S. Evans for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>33</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing.Entered on behalf of Judge Christopher A. Boyko on 12/26/2007.(R,D) (Entered: 12/26/2007)
12/26/2007		Order [non document]granting Motion for appearance pro hac vice by attorney Mark A. Pals for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>34</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing.Entered on behalf of Judge Christopher A. Boyko on 12/26/2007.(R,D) (Entered: 12/26/2007)
01/02/2008	<u>35</u>	Motion for attorney Ann Marie Wahls to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 06470000000002790135, filed by. (Attachments: # <u>1</u> Affidavit of Ann Marie Wahls)(McKay, Hugh) (Entered: 01/02/2008)
01/03/2008		Order [non document]granting Motion for appearance pro hac vice by attorney Ann Marie Wahls for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>35</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing.Entered on behalf of Judge Christopher A. Boyko on 01/03/2008.(R,D) (Entered: 01/03/2008)
01/15/2008		Order (non-document) Claim Construction Hearing to be held on 4/15/2008 at 10:00 AM at Courtroom 15B,pursuant to phone call to Court as ordered in Doc. # 32. Entered on behalf of Judge Christopher A. Boyko on 01/15/2008. (R,D) Modified on 3/26/2008 (C,B). (Entered: 01/15/2008)
01/25/2008	<u>36</u>	Notice of Filing Joint Claim Construction Chart filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, Joint Claim Construction Chart)(Cornett, Harry) (Entered: 01/25/2008)
01/30/2008	<u>37</u>	Joint Motion for leave To File Over Length Claim Construction Briefs filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Proposed Order)(Wahls, Ann) (Entered: 01/30/2008)
02/06/2008	<u>38</u>	Motion for attorney Thomas Osier to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 06470000000002850558, filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Affidavit of Thomas Osier)(McKay, Hugh) (Entered: 02/06/2008)
02/06/2008		Order [non document]granting Motion for appearance pro hac vice by attorney Thomas Osier for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>38</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing. Entered on behalf of Judge Christopher A. Boyko on 02/06/2008.(R,D) (Entered: 02/06/2008)

02/07/2008		Order [non document]granting Motion for leave to file over length claim construction briefs(Related Doc # <u>37</u>).Entered on behalf of Judge Christopher A. Boyko on 02/07/2008.(R,D) (Entered: 02/07/2008)
02/08/2008	<u>39</u>	Brief (<i>Opening Claim Construction</i>) filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit 1, Garris Declaration, # <u>2</u> Exhibit A to Garris Declaration, # <u>3</u> Exhibit B to Garris Declaration, # <u>4</u> Exhibit C to Garris Declaration, # <u>5</u> Exhibit D to Garris Declaration, # <u>6</u> Exhibit E to Garris Declaration, # <u>7</u> Exhibit F to Garris Declaration, # <u>8</u> Exhibit G to Garris Declaration, # <u>9</u> Exhibit H to Garris Declaration, # <u>10</u> Exhibit I to Garris Declaration, # <u>11</u> Exhibit J to Garris Declaration, # <u>12</u> Exhibit K to Garris Declaration, # <u>13</u> Exhibit L to Garris Declaration, # <u>14</u> Exhibit 2, Lambert Declaration, # <u>15</u> Exhibit A to Lambert Declaration, # <u>16</u> Exhibit B to Lambert Declaration, # <u>17</u> Exhibit C to Lambert Declaration, # <u>18</u> Exhibit D to Lambert Declaration, # <u>19</u> Exhibit E to Lambert Declaration, # <u>20</u> Exhibit F to Lambert Declaration, # <u>21</u> Exhibit G to Lambert Declaration, # <u>22</u> Exhibit H to Lambert Declaration, # <u>23</u> Exhibit I to Lambert Declaration, # <u>24</u> Exhibit J to Lambert Declaration, # <u>25</u> Exhibit K to Lambert Declaration) (Cornett, Harry) (Entered: 02/08/2008)
02/08/2008	<u>40</u>	Markman Brief filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Affidavit Larry Feldhaus, # <u>2</u> Affidavit Scott Evans, # <u>3</u> Exhibit 1 to Scott Evans Declaration, # <u>4</u> Exhibit 2 to Scott Evans Declaration, # <u>5</u> Exhibit 3 to Scott Evans Declaration, # <u>6</u> Exhibit 4 to Scott Evans Declaration, # <u>7</u> Exhibit 5 to Scott Evans Declaration, # <u>8</u> Exhibit 6 to Scott Evans Declaration, # <u>9</u> Exhibit 7 to Scott Evans Declaration, # <u>10</u> Exhibit 8 to Scott Evans Declaration, # <u>11</u> Exhibit 9 to Scott Evans Declaration, # <u>12</u> Exhibit 11 to Scott Evans Declaration, # <u>13</u> Exhibit 12 to Scott Evans Declaration)(Evans, Scott) (Entered: 02/08/2008)
02/22/2008	<u>41</u>	Motion for leave to <i>File Amended and Supplemented Complaint</i> filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A to Motion, Proposed Amended and Supplemented Complaint, # <u>2</u> Exhibit 1, Declaration of M. Curt Lambert, # <u>3</u> Exhibit A to Lambert Declaration, # <u>4</u> Exhibit B to Lambert Declaration, # <u>5</u> Memorandum in Support of Motion for Leave, # <u>6</u> Exhibit C to Lambert Declaration, # <u>7</u> Proposed Order)(Cornett, Harry) (Entered: 02/22/2008)
02/27/2008	<u>42</u>	Markman Brief <i>Response</i> filed by Baldwin Filters, Inc., Clarcor Inc.. Related document(s) <u>40</u> . (Wahls, Ann) (Entered: 02/27/2008)
02/27/2008	<u>43</u>	Brief <i>Plaintiffs' Answering Claim Construction Brief</i> filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. Related document(s) <u>40</u> . (Attachments: # <u>1</u> Affidavit Second Declaration of M. Curt Lambert) (DiGiovanni, Francis) (Entered: 02/27/2008)
03/05/2008	<u>44</u>	Joint Motion to supplement <i>Amend Scheduling Order</i> filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Proposed Order)(Evans, Scott) (Entered: 03/05/2008)

03/05/2008	<u>45</u>	Unopposed Motion for extension of time to to Respond to Plaintiffs' Motion for Leave to File an Amended and Supplemented Complaint filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Exhibit A - Proposed Order)(Evans, Scott) (Entered: 03/05/2008)
03/06/2008	<u>46</u>	Motion to withdraw as attorney by <i>John w. Kozak and Caryn C. Borg-Breen</i> filed by Baldwin Filters, Inc., Clarcor Inc.. (Wahls, Ann) (Entered: 03/06/2008)
03/07/2008		Order [non document]granting Motion to withdraw as attorney, attorney Caryn C. Borg-Breen and John W. Kozak removed from case. (Related Doc # <u>46</u>). Entered on behalf of Judge Christopher A. Boyko on 3/7/2008.(R,D) (Entered: 03/07/2008)
03/14/2008	<u>47</u>	Notice of Filing Supplemental Joint Claim Construction Chart filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, Supplemental Joint Claim Construction Chart)(DiGiovanni, Francis) (Entered: 03/14/2008)
03/20/2008	<u>48</u>	Brief (<i>Opening Supplemental Claim Construction</i>) filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit 1 - Supplemental Declaration of M. Curt Lambert, # <u>2</u> Exhibit A - Lambert Supplemental Declaration, # <u>3</u> Exhibit B - Lambert Supplemental Declaration) (DiGiovanni, Francis) (Entered: 03/20/2008)
03/20/2008	<u>49</u>	Supplement <i>Markman Brief</i> filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Affidavit Ann Marie Wahls, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Wahls, Ann) (Entered: 03/20/2008)
03/25/2008	<u>50</u>	Joint Motion for extension of time filed by Baldwin Filters, Inc., Clarcor Inc.. Related document(s) <u>32</u> . (Attachments: # <u>1</u> Proposed Order) (Wahls, Ann) (Entered: 03/25/2008)
04/04/2008	<u>51</u>	Responsive <i>Supplemental Claim Construction Brief</i> filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (DiGiovanni, Francis) (Entered: 04/04/2008)
04/04/2008	<u>52</u>	Baldwin Filters, Inc. and Clarcor, Inc.'s Supplemental Responsive Markman Brief filed by Baldwin Filters, Inc., Clarcor Inc.. Related document(s) <u>49</u> . (Evans, Scott) (Entered: 04/04/2008)
04/11/2008		Order [non-document] granting Plaintiff's Motion for leave to File Amended and Supplemented Complaint (Related Doc # <u>41</u>) upon conditions in further extensions of time other than what has been granted by the Court for Document #50. Entered by Judge Christopher A. Boyko on 04/11/08.(M,M) (Entered: 04/11/2008)
04/11/2008	<u>53</u>	Order granting <u>50</u> Joint Motion for Extension of Time to Amend the Scheduling Order, re <u>50</u> Joint Motion for extension of time. Signed by Judge Christopher A. Boyko on 04/11/08.(M,M) (Entered: 04/11/2008)
04/16/2008	<u>54</u>	Minutes of proceedings before Judge Christopher A. Boyko. Claims Construction Hearing held on 04/15/08. Both sides presented Oral Arguments and the Court will rule accordingly. (Court Reporter Cynthia

		Lee.) (M,M) (Entered: 04/16/2008)
04/23/2008	<u>55</u>	Amended complaint against Baldwin Filters, Inc., Clarcor Inc., filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, '692 Patent, # <u>2</u> Exhibit B, '537 Patent, # <u>3</u> Exhibit C, '623 Patent, # <u>4</u> Exhibit D, '851 Patent) (Cornett, Harry) (Entered: 04/23/2008)
05/07/2008	<u>56</u>	Answer to 55 Amended complaint , filed by Baldwin Filters, Inc.. (Wahls, Ann) (Entered: 05/07/2008)
05/07/2008	<u>57</u>	Answer to 55 Amended complaint , filed by Clarcor Inc.. (Wahls, Ann) (Entered: 05/07/2008)
05/14/2008	<u>58</u>	Motion to supplement the Record on Claim Construction filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A)(DiGiovanni, Francis) (Entered: 05/14/2008)
05/15/2008	<u>59</u>	Response to 58 Motion to supplement the Record on Claim Construction filed by Baldwin Filters, Inc., Clarcor Inc.. (Wahls, Ann) (Entered: 05/15/2008)
05/16/2008	<u>60</u>	Reply to response to 58 Motion to supplement the Record on Claim Construction Plaintiffs' Reply to Motion to Supplement the Record on Claim Construction filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (DiGiovanni, Francis) (Entered: 05/16/2008)
06/03/2008	<u>61</u>	Expedited Non-Appeal Transcript Order Form for proceedings held on April 15, 2008 before Judge Christopher A. Boyko, Court Reporter: Cynthia Lee. Requested completion date: June 10, 2008 filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (DiGiovanni, Francis) (Entered: 06/03/2008)
06/27/2008	<u>62</u>	Motion for attorney Keith A. Walter, Jr. to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 06470000000003082468, filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, Declaration of Keith A. Walter, Jr.)(Cornett, Harry) (Entered: 06/27/2008)
06/27/2008		Order [non-document]granting Motion for appearance pro hac vice by attorney Keith A. Walter, Jr for Parker-Hannifin Corporation and Parker Intangibles, LLC (Related Doc # <u>62</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing. Judge Christopher A. Boyko on 6/27/2008.(R,D) (Entered: 06/27/2008)
07/09/2008	<u>63</u>	Motion for attorney Jared E. Hedman to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 06470000000003098871, filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Affidavit of Jared E. Hedman)(McKay, Hugh) (Entered: 07/09/2008)
07/09/2008		Order [non-document]granting Motion for appearance pro hac vice by attorney Jared A. Hedman for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>63</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing. Judge Christopher

		A. Boyko on 7/9/2008.(R,D) (Entered: 07/09/2008)
07/14/2008	 <u>64</u>	Transcript of Claim Construction Hearing held on 04/15/08 before Judge Christopher A. Boyko. To obtain a bound copy of this transcript please contact court reporter Cynthia D. Lee at 216-357-7186. [86 pages] Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 7/23/2008. Redaction Request due 8/4/2008. Redacted Transcript Deadline set for 8/14/2008. Release of Transcript Restriction set for 10/13/2008. (L,C) (Entered: 07/14/2008)
08/22/2008		Order [non-document] granting Joint Motion to amend the scheduling order (Related Doc # <u>44</u>). Judge Christopher A. Boyko on 8/22/08.(S,R) (Entered: 08/22/2008)
09/17/2008	<u>65</u>	Joint Motion for extension of time filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Proposed Order)(Lambert, M.) (Entered: 09/17/2008)
09/17/2008		Order [non-document] granting Joint Motion for Extension of Time to Amend Scheduling Order. The cut off of expert discovery and the filing of dispositive motions will proceed as follows: Expert discovery cut off twelve weeks after the court issues its Claims Construction Order; dispositive motions sixteen weeks after the Court issues its Claim Construction Order, Related document <u>65</u> Joint Motion for extension of time <u>65</u> . Judge Christopher A. Boyko on 09/17/08.(M,M) (Entered: 09/17/2008)
10/06/2008	<u>66</u>	Order referring case to Magistrate Judge David S. Perelman for disposition of Discovery Dispute. Judge Christopher A. Boyko on 10/06/08. (M,M) (Entered: 10/06/2008)
10/24/2008	<u>67</u>	Minutes of proceedings before Magistrate Judge Perelman.Telephone Conference regarding discovery issues held on 10/24/08. Discussion of discovery issues, all resolved by agreement of the parties. File materials returned to Judge Boyko. Reference closed. Magistrate Judge David S. Perelman, (G,S) (Entered: 10/24/2008)
01/22/2009		Order [non-document]moot <u>45</u> Motion for Extension of Time. Judge Christopher A. Boyko on 1/22/2009.(R,D) (Entered: 01/22/2009)
01/22/2009		Order [non-document]granting Motion to supplement the record on claim construction(Related Doc # <u>58</u>). Judge Christopher A. Boyko on 1/22/2009.(R,D) (Entered: 01/22/2009)
04/13/2009	<u>68</u>	Address Change Notice <i>for Kirkland & Ellis LLP</i> by Ann Marie Wahls filed by on behalf of all defendants. (Wahls, Ann) (Entered: 04/13/2009)
02/22/2010	<u>69</u>	Letter <i>from Francis DiGiovanni to The Honorable Christopher A. Boyko</i> filed by Parker Intangibles, LLC, Parker-Hannifin Corporation.

		(Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3, # <u>4</u> Attachment 4, # <u>5</u> Attachment 5)(DiGiovanni, Francis) (Entered: 02/22/2010)
02/26/2010	<u>70</u>	Letter to <i>The Honorable Christopher A. Boyko</i> filed by Baldwin Filters, Inc., Clarcor Inc.. (Attachments: # <u>1</u> Exhibit A: Case ICU Medical v. Alaris Medical Systems)(Turnbull, Tracey) (Entered: 02/26/2010)
04/09/2010	<u>71</u>	Order. The Court has received the supplemental materials from both parties and will consider them in its analysis of the claims at issue. The Court will move expeditiously on the outstanding issues and will contact the parties for an additional status conference within the next thirty days. Judge Christopher A. Boyko on 04/09/10. (M,M) (Entered: 04/09/2010)
07/09/2010	<u>72</u>	Opinion and Order. The Parties have requested this Court determine the meaning or construction of certain claims as a matter of law. Judge Christopher A. Boyko on 07/09/10. (M,M) (Entered: 07/09/2010)
07/23/2010	<u>73</u>	Proposed Stipulation and <i>[Proposed] Order Regarding Construction of "First End Cap Assembly"</i> filed by Parker Intangibles, LLC, Parker-Hannifin Corporation. (Attachments: # <u>1</u> Certificate of Service) (DiGiovanni, Francis) (Entered: 07/23/2010)
07/26/2010	<u>74</u>	Joint Proposed Stipulation <i>regarding Case Management Schedule</i> filed by Parker Intangibles, LLC, Parker-Hannifin Corporation. (Attachments: # <u>1</u> Certificate of Service)Related document(s) <u>72</u> .(DiGiovanni, Francis) (Entered: 07/26/2010)
08/19/2010	<u>75</u>	Proposed Stipulation and <i>Order Entering Amended Scheduling Order</i> filed by Parker Intangibles, LLC, Parker-Hannifin Corporation. Related document(s) <u>74</u> .(DiGiovanni, Francis) (Entered: 08/19/2010)
08/20/2010	<u>76</u>	Stipulation & Order entering Amended Scheduling Order. Dispositive Motions due 12/2/2010; Oppositions due 12/23/2010; Final Pretrial Conference 3/31/2011 at 2:00 p.m.; Trial 4/12/2011 at 9:00 a.m. Judge Christopher A. Boyko on 08/20/10. (M,M) (Entered: 08/20/2010)
09/23/2010	<u>77</u>	Joint Motion to dismiss case filed by Baldwin Filters, Inc., Clarcor Inc., Parker Intangibles, LLC, Parker-Hannifin Corporation. (Attachments: # <u>1</u> Exhibit 1 - Order of Dismissal)(Pals, Mark) (Entered: 09/23/2010)
09/23/2010	<u>78</u>	Order of Case Dismissal, re <u>77</u> . Judge Christopher A. Boyko on 09/23/10. (M,M) (Entered: 09/23/2010)
10/12/2010		(Court only) Outstanding schedule and motion deadlines terminated. (M,M) (Entered: 10/12/2010)
10/12/2010		(Court only) Utility Event - Terminate Hearings, Outstanding schedule and motion deadlines terminated. (M,M) (Entered: 10/12/2010)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PARKER-HANNIFIN CORPORATION and)	CASE NO.
PARKER INTANGIBLES LLC,)	
)	JUDGE
Plaintiffs,)	
)	<u>COMPLAINT</u>
v.)	
)	(JURY DEMAND ENDORSED HEREON)
BALDWIN FILTERS, INC. and)	
CLARCOR INC.,)	
)	
Defendants.)	

THE PARTIES

1. Plaintiff Parker-Hannifin Corporation ("Parker") is an Ohio Corporation having its headquarters at 6035 Parkland Blvd., Cleveland, Ohio 44124-4141 and having its Racor Division at 3400 Finch Road, Modesto, California 95353.

2. Plaintiff Parker Intangibles, LLC ("PI") is a Delaware limited liability company having its principal place of business at 6035 Parkland Blvd., Cleveland, Ohio 44124-4141.

3. On information and belief, Defendant Clarcor Inc. ("Clarcor") is a Delaware corporation having its registered agent's address at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

4. On information and belief, Defendant Baldwin Filters, Inc. ("Baldwin") is a Delaware corporation having its registered agent's address at Corporation Trust Center, 1209

Orange Street, Wilmington, Delaware, 19801, and is a division of Clarcor having its headquarters at 4400 East Highway 30, Kearney, Nebraska, 68847, and sells various products in Ohio through retailers, distributors and resellers, including the products at issue in this action.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 et seq.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue in this District is proper under 28 U.S.C. §§ 1391 and 1400(b).

BACKGROUND

8. On July 4, 2006, U.S. Patent No. 7,070,692 (“the ’692 patent”), entitled “Fuel Filter With Keys,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’692 patent is attached as Exhibit A.

9. On August 8, 2006, U.S. Patent No. 7,086,537 (“the ’537 patent”), entitled “Extension and Locking Assembly for Dripless Element, and Container Therefore,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’537 patent is attached as Exhibit B.

10. On January 16, 2007, U.S. Patent No. 7,163,623 (“the ’623 patent”), entitled “Fuel Filter with Keys,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’623 patent is attached as Exhibit C.

11. The ’692, ’537, and ’623 patents are owned by PI. Parker is the exclusive licensee of the ’692, ’537, and ’623 patents, with the right to sue for past, present and future infringement and the right to seek injunctive relief and monetary damages.

12. Baldwin has manufactured and sold, or is presently manufacturing and selling, filters and filter elements (“the accused filters”) including filter elements designated as Model Numbers PF7789, PF7889, PF7890, and P7235. Upon information and belief, the accused filters are sold to retailers, distributors and resellers who resell the product throughout the United States, including in the State of Ohio.

COUNT ONE

13. Parker and PI (hereinafter “Plaintiffs”) incorporate the allegations set forth in Paragraphs 1-12 above as if each were separately set forth at length herein.

14. The accused filters infringe one or more claims of the ’692 patent.

15. Baldwin is infringing and inducing others to infringe the ’692 patent in violation of 35 U.S.C. § 271, such acts of infringement have been committed in this judicial district and others, and will continue to do so unless and until enjoined by the Court.

16. Plaintiffs have suffered and will continue to suffer damages and irreparable injury as a result of Baldwin’s infringement.

17. Baldwin was given actual notice of Plaintiffs’ published United States Patent Application 10/988,347 (“the published ’347 application”), which subsequently issued as the ’692 patent, and was also given actual notice of the ’692 patent. Despite actual knowledge of Plaintiffs’ patent rights and their applicability to the accused filters, Baldwin has willfully and wantonly continued to infringe Plaintiffs’ rights in the ’692 patent.

COUNT TWO

18. Plaintiffs incorporate the allegations set forth in Paragraphs 1-12 above as if each were separately set forth at length herein.

19. The accused filters infringe one or more claims of the ’537 patent.

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20. Baldwin is infringing and inducing others to infringe the '537 patent in violation of 35 U.S.C. § 271, such acts of infringement have been committed in this judicial district and others, and will continue to do so unless and until enjoined by the Court.

21. Plaintiffs have suffered and will continue to suffer damages and irreparable injury as a result of Baldwin's infringement.

22. Baldwin was given actual notice of Plaintiffs' published United States Patent Application 11/207,099 ("the published '099 application"), which subsequently issued as the '537 patent. Despite actual knowledge of Plaintiffs' patent rights and their applicability to the accused filters, Baldwin has willfully and wantonly continued to infringe Plaintiffs' rights in the '537 patent.

COUNT THREE

23. Plaintiffs incorporate the allegations set forth in Paragraphs 1-12 above as if each were separately set forth at length herein.

24. The accused filters infringe one or more claims of the '623 patent.

25. Baldwin is infringing and inducing others to infringe the '623 patent in violation of 35 U.S.C. § 271, such acts of infringement have been committed in this judicial district and others, and will continue to do so unless and until enjoined by the Court.

26. Plaintiffs have suffered and will continue to suffer damages and irreparable injury as a result of Baldwin's infringement.

27. Baldwin was given actual notice of Plaintiffs' rights in the '623 patent. Despite actual knowledge of Plaintiffs' patent rights and their applicability to the accused filters, Baldwin has willfully and wantonly continued to infringe Plaintiffs' rights in the '623 patent.

WHEREFORE, Plaintiffs request that a judgment be entered against Baldwin:

- a. Preliminarily and permanently enjoining Baldwin, its officers, employees, subsidiaries, agents, attorneys and all persons in active concert with them, from any further infringement of the '692, '537, and '623 patents;
- b. Awarding damages, costs and interest to Plaintiffs under 35 U.S.C. §§ 284 and 154(d);
- c. Awarding up to treble damages upon a finding that Baldwin's infringement has been willful and wanton under 35 U.S.C. § 284;
- d. Declaring this case exceptional and awarding Plaintiffs their reasonable attorney's fees, pursuant to 35 U.S.C. § 285; and
- e. Awarding Plaintiffs such other and further relief as this Court deems just and proper.

Respectfully submitted,

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JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs Parker-Hannifin Corporation and Parker Intangibles LLC respectfully request a trial by jury with the maximum number of jurors provided by law with respect to all issues triable by a jury.

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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

**PARKER-HANNIFIN CORPORATION)
and PARKER INTANGIBLES LLC)**

Plaintiffs)

v.)

**BALDWIN FILTERS, INC. and)
CLARCOR INC.)**

Defendants)

Case No. 1:07-CV-00238

ORDER OF DISMISSAL

Plaintiffs Parker-Hannifin Corporation and Parker Intangibles LLC (collectively “Plaintiffs”) having filed a Complaint against Defendants Baldwin Filters, Inc and CLARCOR Inc. (collectively “Defendants”) alleging that U.S. Patent Nos 6,983,851, 7,070,692, 7,086,537, and 7,163,623 (“the Asserted Patents”) are valid and infringed; and Defendants having denied infringing the Asserted Patents and alleging that the Asserted Patents are invalid; and the parties having agreed upon a basis for the settlement of the matters alleged in the Complaint.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. The parties have entered into a Settlement Agreement, dated September 1, 2010 (“Settlement Agreement”), to resolve all claims by the parties relating to this matter.

3. The present action is dismissed with prejudice, and all Orders previously issued by this Court are hereby vacated.
4. Each party shall bear its own costs and attorney's fees.
5. The jurisdiction of the Court continues for the purpose of the enforcement of the Settlement Agreement, and for making any further orders necessary or proper relating to this Order.

It is so ordered this 23 day of Sept 2010.

s/Christopher A. Boyko
Judge Christopher A. Boyko

Approved:

/s/ Francis DiGiovanni (with permission)

/s/ Mark Pals

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Date Filed	#	Docket Text
01/29/2007	<u>1</u>	Complaint with jury demand against Baldwin Filters, Inc., Clarcor Inc. (Filing fee 350 receipt number 2312887.). Filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A Patent '692# <u>2</u> Exhibit B Patent '537# <u>3</u> Exhibit C Patent '623# <u>4</u> Civil Cover Sheet)(Cornett, Harry) (Entered: 01/29/2007)
01/29/2007	2	Corporate Disclosure Statement filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Cornett, Harry) (Entered: 01/29/2007)
01/29/2007		(Court only) Utility Event adding attorney Benjamin C. Sasse for Parker-Hannifin Corporation and Parker Intangibles, LLC. (C,BA) (Entered: 01/29/2007)
01/29/2007		Judge Dan Aaron Polster assigned to case. (C,BA) (Entered: 01/29/2007)
01/29/2007		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Perelman. (C,BA) (Entered: 01/29/2007)

01/29/2007	<u>3</u>	Magistrate Consent Form issued to counsel. No summons provided or issued. (C,BA) (Entered: 01/29/2007)
01/30/2007	<u>4</u>	Order of Recusal. Case reassigned to Judge Christopher A. Boyko for all further proceedings. Signed by Judge Dan Aaron Polster on 1/30/07. (P,R) (Entered: 01/30/2007)
03/05/2007	<u>5</u>	Praecipe filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Summons Baldwin Filters# <u>2</u> Summons Clarcor) (Cornett, Harry) (Entered: 03/05/2007)
03/07/2007	<u>6</u>	Summons issued to counsel for service upon Baldwin Filters, Inc., and Clarcor Inc. (Attachments: # <u>1</u> Summons - Baldwin) (C,B) (Entered: 03/07/2007)
03/28/2007	<u>7</u>	Return of Service Executed upon Baldwin Filters, Inc. by Certified Mail on March 12, 2007 filed by Parker-Hannifin Corporation, Parker Intangibles, LLC (Attachments: # <u>1</u> Return Receipt (Baldwin))(Sasse, Benjamin) (Entered: 03/28/2007)
03/28/2007	<u>8</u>	Return of Service Executed upon Clarcor Inc. by Certified Mail on March 12, 2007 filed by Parker-Hannifin Corporation, Parker Intangibles, LLC (Attachments: # <u>1</u> Return Receipt (Clarcor))(Sasse, Benjamin) (Entered: 03/28/2007)
04/02/2007	<u>9</u>	Motion for extension of time until May 2, 2007 to answer <i>the Complaint</i> filed by all defendants. (Turnbull, Tracey) (Entered: 04/02/2007)
04/02/2007		(Court only) Utility Event adding attorneys Hugh E. McKay amd John A. Mugnano for Baldwin Filters, Inc. and Clarcor Inc. (B,B) (Entered: 05/01/2007)
04/03/2007		Order [non document]granting <u>9</u> Motion for Extension of Time to Answer Baldwin Filters, Inc., Clarcor Inc. answer due 5/2/2007..Entered on behalf of Judge Christopher A. Boyko on 04/03/2007.(R,D) (Entered: 04/03/2007)
04/30/2007	<u>10</u>	Case Management Conference Scheduling Order with case management conference to be held on 5/15/2007 at 10:30 AM at Chambers 15B before Judge Hon. Christopher A. Boyko. Signed by Judge Christopher A. Boyko on 04/30/07. (Attachments: # <u>1</u> Report of Parties Planning Meeting)(M,M) (Entered: 04/30/2007)
04/30/2007	<u>11</u>	Notice of Magistrate Consent form (M,M) (Entered: 04/30/2007)
05/02/2007	<u>12</u>	Answer to Complaint (Related Doc # <u>1</u>) filed by Baldwin Filters, Inc. (Koesel, Margaret S/Tracey Turnbull) Modified text 5/2/2007 (C, K). (Entered: 05/02/2007)
05/02/2007	<u>13</u>	Answer to Complaint (Related Doc # <u>1</u>) filed by Clarcor Inc.. (Turnbull, Tracey) (Entered: 05/02/2007)
05/04/2007	<u>14</u>	Unopposed Motion to continue <i>May 15, 2007 Case Management Conference</i> filed by Baldwin Filters, Inc., Clarcor Inc.. Related

		document(s) <u>10</u> . (McKay, Hugh) (Entered: 05/04/2007)
05/07/2007		Order [non document] granting Defendant's Motion to continue (Related Doc # <u>14</u>) with case management conference rescheduled for 5/23/2007 at 02:00 PM at Chambers 15B before Judge Hon. Christopher A. Boyko. Entered by Judge Christopher A. Boyko on 05/07/07.(M,M) (Entered: 05/07/2007)
05/07/2007	<u>15</u>	Motion for attorney John W. Kozak to Appear Pro Hac Vice Filing fee 100, receipt number 2457227. filed by all defendants. (Attachments: # <u>1</u> Exhibit A - Affidavit of John W. Kozak in Support of Motion to Appear Pro Hac Vice)(Turnbull, Tracey) (Entered: 05/07/2007)
05/07/2007	<u>16</u>	Motion for attorney Caryn C. Borg-Breen to Appear Pro Hac Vice Filing fee 100, receipt number 2457289. filed by all defendants. (Attachments: # <u>1</u> Exhibit A - Affidavit of Caryn C. Borg-Breen in Support of Motion to Appear Pro Hac Vice)(Turnbull, Tracey) (Entered: 05/07/2007)
05/08/2007		Order [non document]granting Motion for appearance pro hac vice by attorney John W. Kozak for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>15</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing. Entered on behalf of Judge Christopher A. Boyko on 05/08/2007.(R,D) (Entered: 05/08/2007)
05/08/2007		Order [non document]granting Motion for appearance pro hac vice by attorney Caryn C. Borg-Breen for Baldwin Filters, Inc. and Clarcor Inc. (Related Doc # <u>16</u>)on condition attorney appear in person for all conferences and register for Electronic Case Filing. Entered on behalf of Judge Christopher A. Boyko on 05/08/2007.(R,D) (Entered: 05/08/2007)
05/10/2007	<u>17</u>	Corporate Disclosure Statement filed by Clarcor Inc.. (Turnbull, Tracey) (Entered: 05/10/2007)
05/10/2007	<u>18</u>	Corporate Disclosure Statement filed by Baldwin Filters, Inc.. (Turnbull, Tracey) (Entered: 05/10/2007)
05/11/2007	<u>19</u>	Amended Corporate Disclosure Statement filed by Baldwin Filters, Inc.. (Turnbull, Tracey) Modified text on 5/14/2007 (C, Br). (Entered: 05/11/2007)
05/15/2007	<u>20</u>	Motion for attorney M. Curt Lambert to Appear Pro Hac Vice Filing fee 100, receipt number 2467782. filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, Declaration of M. Curt Lambert)(Cornett, Harry) (Entered: 05/15/2007)
05/15/2007	<u>21</u>	Motion for attorney Francis DiGiovanni to Appear Pro Hac Vice Filing fee 100, receipt number 2467807. filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Exhibit A, Declaration of Francis DiGiovanni)(Cornett, Harry) (Entered: 05/15/2007)
05/16/2007		(Court only) Utility Event terminating attorney Margaret M. Koesel. Related document(s) <u>12</u> . Spoke to attorney's office regarding attorney Koesel getting noticed on this case - when the answer was filed, it was accidently filed under her log in. She was never supposed to be on the

		case.(S,He) (Entered: 05/16/2007)
05/16/2007		Order [non document]granting Motion for appearance pro hac vice by attorney M. Curt Lambert for Parker-Hannifin Corporation and Parker Intangibles, LLC (Related Doc # <u>20</u>) on condition attorney appear in person for all conferences and register for Electronic Case Filing. Entered on behalf of Judge Christopher A. Boyko on 05/16/2007.(R,D) (Entered: 05/16/2007)
05/16/2007		Order [non document]granting Motion for appearance pro hac vice by attorney Francis DiGiovanni for Parker-Hannifin Corporation and Parker Intangibles, LLC (Related Doc # <u>21</u>) on condition attorney appear in person for all conferences and register for Electronic Case Filing. Entered on behalf of Judge Christopher A. Boyko on 05/16/2007.(R,D) (Entered: 05/16/2007)
05/21/2007	<u>22</u>	Report of Parties' Planning Meeting. Parties do not consent to this case being assigned to the magistrate judge. filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Cornett, Harry) (Entered: 05/21/2007)
05/23/2007		Minutes of proceedings [non document].Case Management Conference held on 05/23/07 before Judge Christopher A. Boyko. All counsel present. The Court Orders discovery for purposes of mediation to be completed no later than 8/23/07. The parties shall submit written notice to the Court of their preference for Court or private mediation. Parties shall also submit an agreed upon proposed telephone conference date. (Court Reporter None.) (M,M) (Entered: 05/23/2007)
08/02/2007	<u>23</u>	Motion for Entry of Stipulated Protective Order filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Attachments: # <u>1</u> Proposed Stipulated Protective Order)(Cornett, Harry) (Entered: 08/02/2007)
08/07/2007	<u>24</u>	Protective Order. Signed by Judge Christopher A. Boyko on 08/07/07. (M,M) (Entered: 08/08/2007)
08/24/2007	<u>25</u>	<i>Notice of Preference for Mediation and Proposed Date for Teleconference with the Court</i> filed by Parker-Hannifin Corporation, Parker Intangibles, LLC. (Sasse, Benjamin) (Entered: 08/24/2007)
09/05/2007	<u>26</u>	Order referring case to Magistrate Judge William H. Baughman, Jr. to conduct Mediation. ADR process to be completed by 10/29/2007. Signed by Judge Christopher A. Boyko on 09/05/07.(M,M) (Entered: 09/05/2007)
09/07/2007		Notice of Hearing (non-document). Per the parties request, a Telephonic Conference is set for 9/13/2007 at 01:30 PM to be held before Magistrate Judge William H. Baughman, Jr. The Court will initiate the call. (H,D) (Entered: 09/07/2007)
09/07/2007	<u>27</u>	Order scheduling Mediation Conference. Mediation conference to be held on 10/19/2007 at 10:00 AM in Courtroom 10A before Magistrate